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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/027,189

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Kevin L. Haas

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EXAMINER

ZEWDU, MELESS NMN

ART UNIT

PAPER NUMBER

2683

3

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/027,189

Applicant(s)

HAAS ET AL.

Examiner

Meless N Zewdu

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-10 and 13 is/are rejected.
- 7) ☒ Claim(s) 6,7,11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

1. This action is the first on the merit of the instant application.
2. Claims 1-13 are pending in this action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brody et al. (Brody) (US 6,278,697 B1) in view of Kay et al. (Kay) (US 5,475,689).

**As per claim 1:** in a radio communication system including a plurality of subscribers, the subscribers having wireless subscriber units operable to receive messages communicated via a first wireless communication protocol reads on '697 (see abstract), a method comprising:

receiving a message communicated via a second wireless communication protocol reads on '697 (see abstract; col. 3, lines 35-57; col. 8, lines 17-48). The multi-protocol system enables communication between two de-separate entities using two different protocols.

determining a target recipient of the message reads on '697 (see col. 3, lines 35-48).

Identifying a subscriber unit associated with the target recipient reads on '697 (see col. 10, lines 53-65). But, Brody does not explicitly teach about defining a user group, determining if a target recipient is a member of the user group and if the subscriber unit is logged on the radio communication system, as claimed by applicant. However, in a related field of endeavor, Kay teaches about a "cellular telephone with datagram and dispatch operation", wherein, a user group is defined (see col. 4, lines 11-45); determination is made if a target recipient is a member of a user group (see col. 2, lines 42-63; col. 3, lines 60-63; col. 4, lines 38-45); and if the subscriber unit is logged on the radio communication system (see col. 2, lines 17-63; col. 4, lines 29-45). Note: the registration in Kay is functionally same as logging in since both registration and login are ways of authenticating a user. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Brody's system with the teaching of Kay for the advantage of providing dispatch communication over a cellular network (see col. 6, lines 40-49).

**As per claim 2:** the method, performed by one or more infrastructure devices of the radio communication system reads on '697 (see figs. 1 and 2; col. 3, lines 35-48).

Different over the air communication protocols represent different radio infrastructures.

**As per claim 3:** the method, wherein the step of receiving a message comprises receiving a page message communicated via a paging service protocol reads on '697 (see col. 15, lines 22-34).

**As per claim 5:** the method, wherein the step of determining a target recipient comprises:

decoding a header of the paging message to identify a target pager unit ID reads on '697 (see col. 7, lines 29-58).

determining the target recipient to be an individual associated with the target pager ID reads on '697 (see col. 7, lines 29-58). Each of the mobile station in the prior art, be it a source or target, has an individual user associated to it.

**As per claim 8:** in a radio communication system including a plurality of users, a method comprising:

receiving a page message communicated via a paging service communication protocol reads on '697 (see col. 15, lines 22-34). If there is a page message, it must require a paging system/service.

determining target recipient of the page message reads on '697 (see col. 3, lines 35-48).

Identifying a communication unit associated with the target recipient, the communication unit being operable to receive message communicated via a wireless protocol other than the paging service communication protocol reads on '697 (see figs. 1 and 2; abstract; col. 3, line 20-col. 4, line 2; col. 10, lines 53-65). The prior art system is capable of multiprotocol operation.

converting the page message to the wireless protocol, yielding a converted message, and sending the converted message to the communication unit reads on '697 (see abstract; col. 3, line 20-col. 4, line 2). But, Brody does not explicitly teach about

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defining a user group, determining if a target recipient is a member of the user group and if the subscriber unit is logged on the radio communication system, as claimed by applicant. However, in a related field of endeavor, Kay teaches about a "cellular telephone with datagram and dispatch operation", wherein, a user group is defined (see col. 4, lines 11-45); determination is made if a target recipient is a member of a user group (see col. 2, lines 42-63; col. 3, lines 60-63; col. 4, lines 38-45); and if the subscriber unit is logged on the radio communication system (see col. 2, lines 17-63; col. 4, lines 29-45). Note: the registration in Kay is functionally same as logging in since both registration and login are ways of authenticating a user. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Brody's system with the teaching of Kay for the advantage of providing dispatch communication over a cellular network (see col. 6, lines 40-49).

**As per claim 9:** the feature of claim 9 is similar to the feature of claim 2. Hence, claim 9 is rejected on the same ground and motivation as claim 2.

Claims 4, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brody in view of Kay as applied to claims 1 and 8 above, and further in view of Feit et al. (Feit) (US 2001/0056354 A1). Note: for examination purpose, claim 13 is considered first.

**As per claim 13:** some of the features of claim 13 are similar to the features of claim 8. Hence, the similar features of claim 13 are rejected on the same ground and motivation as claim 8. The difference limitations in claim 13 are addressed in the following manner.

a decoder operable to decode the paging message to identify respective target recipients of the paging message reads on '689 (see col. 4, lines 29-45). This feature of the claim calls for identification of respective target recipients of the paging message and the identification is extracted using a decoder. The prior art teaches that respective target recipients of the paging message are identified. It is obvious that a decoder or an equivalent device or technique is used to extract the identification/s.

a page server for determining whether the target recipients are members of a user group reads on '689 (see col. 3, lines 17-43; col. 4, lines 11-45). The prior art dispatch system obviously uses as a dispatch call/message server. But, the above references do not explicitly teach about a receiver operable to receive paging messages communicated via a paging service communication protocol, as claimed by applicant. However, in a related field of endeavor, Feit teaches that a client can employ a wireless device like a mobile telephone and the like, to access an integrated user interface over a wireless network utilizing protocols including FLEX which is, known to be, a paging service protocol (see page 2, paragraph 0010). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify the above references with the teaching of Feit for the advantage of acquiring multiple services using a telephone set (see page 2, paragraph 0010).

**As per claim 4:** the method, wherein the paging service protocol comprises one of: FLEX-TD, FLEX and POCSAG, reads on '354 (see page 2, paragraph 0010).

**As per claim 10:** the feature of claim 10 is similar to the feature of claim 4. Hence, claim 10 is rejected on the same ground as claim 4.

***Allowable Subject Matter***

Claims 6-7 and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N Zewdu whose telephone number is (703) 306-5418. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Meless Zewdu  
Examiner

*M. Z.*

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
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30 July 2004